

UNITED STATES BANKRUPTCY COURT
DISTRICT OF PUERTO RICO

IN THE MATTER OF:

VICTOR MANUEL MALDONADO MORALES
IRIS CELIA COLL BAHAMONDE

DEBTOR (S)

RG PREMIER BANK OF PR

MOVANT

vs.

VICTOR MANUEL MALDONADO MORALES
IRIS CELIA COLL BAHAMONDE
& JOSE R. CARRION,
Chapter 13 Trustee

DEFENDANTS

CASE NO. 08-01696-ESL

CHAPTER 13

Motion for Relief of the Stay
Pursuant to 11 U.S.C. §362(d)

TRUSTEE'S POSITION

TO THE HONORABLE COURT:

José R. Carrión, Chapter 13 Trustee, co-defendant, represented by the undersigned attorney, very respectfully alleges and prays:

1. The Trustee hereby provides a report of the status of the administration of this case and how it relates to movant.
2. A Chapter 13 Plan has been confirmed in this case. The current Chapter 13 Plan is the one dated September 10, 2008, with a plan base of \$37,140.00.
3. The liquidation value pursuant to 11 U.S.C. §1325(a)(4) had been determined to be \$38,687.00.
4. Movant treatment under current Chapter 13 plan is as follows:
 - Debtor to pay in full movant's claim under the plan.

5. As of March 24, 2009 the status of payments received in the case and disbursements to Movant are described as follows:

- Total Paid In:	\$5,775.00
- Balance on Hand:	\$525.00
- Last Payment date:	March 04, 2009
- Last Payment amount:	\$525.00
- Amount in Default:	\$525.00
- Months in Default:	1
- Movant Claim Type:	MORTGAGE SECURED IN FULL
- Movant Claim No.:	01-1
- Movant Claim Amount:	\$12,835.20
- Principal Paid:	\$1,103.54
- Interest Paid:	\$0.00
- Unpaid Balance:	\$11,731.66

6. If the proposed or confirmed plan provides for direct payments to movant, the Trustee cannot make an informed opinion as to her/his/their compliance with such payments.

7. The Trustee's position is the following: If debtors' plan proposes the surrender of Movant's collateral and/or the consent to the lift of the stay in favor of Movant, and/or the plan payments under the plan are in default and/or debtors' direct payments to Movant are in default, the Trustee does not oppose Movant's request. On the other hand if debtors' plan does not propose the surrender of Movant's collateral or the consent to the lift of the stay in its favor, and/or the plan payments are up to date and/or the direct payments to Movant are up to date, the Trustee opposes Movant's request.

WHEREFORE, for the reasons herein set forth, the co-defendant respectfully prays from this Honorable Court to accept the Chapter 13 trustee's position and after the pertinent proceedings resolve the controversies set forth in the contested matter.

I HEREBY CERTIFY that on the same date it is filed, I notified a true copy of this document to the Debtors-co-defendants to their address of record by first class mail, and by electronic means (CM/ECF System) to her/his/their attorney of record and to Movant's through their attorney of record.

In San Juan, Puerto Rico this, Wednesday, March 25, 2009 .

/s/ José M. Prieto -Staff Attorney

Jose R. Carrion

Chapter 13 Trustee

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